

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kong et al.

Application No.: 10/594,095

Confirmation No.: 8867

Filed: September 11, 2007

Art Unit: 1637

For: HELICASE-DEPENDENT AMPLIFICATION
OF CIRCULAR NUCLEIC ACIDS

Examiner: C. M. Babic

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is responsive to a restriction requirement issued in an Office action mailed from the U.S. Patent and Trademark Office on January 13, 2010, in relation to the above-identified application. Applicants believe that no fees are due; however, in the event that any such fees are due, the Commissioner is hereby also authorized to charge such fees to Deposit Account No. 07-1700 (Ref. No. BHX-003).

REMARKS

The Office Action, pursuant to 35 U.S.C. § 121, sets forth a restriction requirement requiring Applicants to elect one of the allegedly distinct inventions for prosecution on the merits, namely:

- Group I: Claims 1-19, drawn to a method for amplifying a target DNA sequence in a circular DNA and
- Group II: Claims 20-22, drawn to a kit.

Applicants elect Group I, corresponding to claims 1-19, without traverse. Claims 1-19 will be pending and presented for examination upon entry of this paper.

The Examiner is invited to call the undersigned with any questions or comments if the Examiner believes a telephone conversation would be helpful in expediting the prosecution of the instant application.

Dated: February 10, 2010

Respectfully submitted,

/Brian A. Fairchild/

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